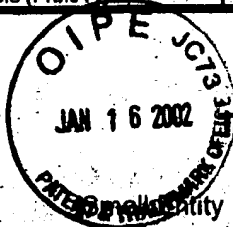


# CERTIFICATE OF MAILING

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Name (Print/Type) Kimberly W. Zuehlke Signature Kimberly W. Zuehlke Date 11/30/99



**TRANSMITTAL**

☐ Small Entity ☒ Large Entity

Application Number 09/330,903  
 Confirmation Number To Be Assigned  
 Filing Date June 11, 1999  
 First Named Inventor Igor Gonda et al.  
 Examiner R. Schnizer  
 Group Art 1632  
 Attorney Docket No. AERX061

**ENCLOSED:**

☒ Amendment Under Rule

☒ 37 CFR § 1.111  
☒ Pages 9

Claims	No. of claims as filed or after amendment	Most claims previously paid for	# Extra Claims	Rate	Totals
Total	15	36	0		\$ -
Independent	1	14	0		\$ -
Multiple					
Total Extra Claim Fees					\$ -

☒ Applicants Petition for an Extension of time from 10-24-2001 to 12-24-2001 Fee \$ 400.00  
 A    month extension was previously filed and paid for thereby reducing the basic fee

**RECEIVED**  
 FEB 04 2002  
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☐ Response to File Missing Parts (with copy of formalities letter)

☐ Filing Fee  
☐ Executed Declaration  
☐ Other  
 Pages            Fee             
 Surcharge Fee             
 Fee             
 Fee             
 Fee             
 Fee             
 Subtotal \$ -

☐ Information Disclosure Statement

☐ PTO Form 1449 Pages             
☐ Copies of Cited References  
☐ Other  
 Fee             
 Subtotal \$ -

☐ Response to Notice to Comply (with copy of Notice to Comply)

☐ Sequence Listing Certification  
☐ Paper Copy of Sequence Listing Pages             
☐ Diskette in computer-readable format  
☐ Other  
 Fee           

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<input type="checkbox"/> Terminal Disclaimer		Fee
<input type="checkbox"/> Appeal to Board of Appeals and Appeal Communication to Group		
<input type="checkbox"/> Notice of Appeal	Pages _____	Fee _____
<input type="checkbox"/> Appeal Brief in Triplicate	Pages _____	Fee _____
<input type="checkbox"/> Reply Brief	Pages _____	Fee \$ -
		Subtotal \$ -
<input type="checkbox"/> Other Enclosures and/or Fees _____		Fee _____
<input type="checkbox"/> Change of Correspondence Address		
<input checked="" type="checkbox"/> Return Receipt Postcard		TOTAL FEES \$ 400.00
<p>The Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account 50-0815. If additional fees are required, including extensions of time, please consider this a petition therefore. A duplicate copy of this transmittal is enclosed.</p>		
<b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</b>		
Name (Print/Type)	Karl Bozicevic	Registration No. 28,807
Signature	<i>[Handwritten Signature]</i>	Date 30/NOV/2001
Firm Name	Bozicevic, Field & Francis LLP	Address 200 Middlefield Road, Suite 200
City	Menlo Park	State California zip 94025
Telephone - Direct Dial	650-327-3400	Facsimile 650-327-3231

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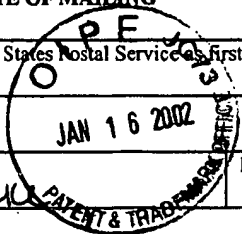
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Application No. 09/330,903 Attorney Docket No. AERX061 Page 2 of 2

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Typed or Printed Name		Kimberly W. Zuehlke	
Signature		Date	
Kimberly W. Zuehlke		11/30/01	



AMENDMENT UNDER 37 C.F.R. §1.111	Attorney Docket Confirmation No.	AERX061 To Be Assigned
Address to: Assistant Commissioner for Patents Washington, D.C. 20231	First Named Inventor	Igor Gonda et al.
	Application Number	09/330,903
	Filing Date	June 11, 1999
	Group Art Unit	1632
	Examiner Name	R. Schnizer
	Title	METHODS OF DELIVERING AEROSOLIZED POLYNUCLEOTIDES TO THE RESPIRATORY TRACT

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Sir:

This amendment is responsive to the Office Action dated July 24, 2001 for which a three-month period for response was given making this response due on or before October 24, 2001. A Petition and Petition fee for a two-month extension of time is attached hereto making this response timely filed on or before December 24, 2001.

In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested.

### AMENDMENTS

#### IN THE CLAIMS

Please cancel claims 21-56 and add the following new claims 57-71. Please note that the new claims 57-71 are also included on the attached "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

57. (New) A method of targeting an area of a patient's respiratory tract, comprising:  
delivering an aerosol to a patient while adjusting both particle size in the aerosol and volume inhaled;  
wherein particle size is adjusted to an aerodynamic diameter related to a diameter of a targeted area of the respiratory tract within a range selected from the group consisting of:
- (a) 1-3  $\mu\text{m}$  to target alveoli of the respiratory tract;
  - (b) 4-6  $\mu\text{m}$  to target central airways of the respiratory tract; and

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